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December 9, 2021

VIA ECF

The Honorable Paul A. Engelmayer
United States District Judge
40 Foley Square
Room 2201
New York, NY 10007

Re: *Chicas, et ano v. Kelco Construction, Inc., et al (21-cv-09014-PAE-SDA)*

Dear Judge Engelmayer:

Defendants Kelco Construction, Inc., E.L.M. General Construction Corp., John Kelly and Joseph Provenzano (collectively, “Defendants”) recently retained our firm to represent them in the above-referenced action. We are seeking an adjournment of time to respond to the Complaint until January 24, 2022. We request the extension in order to conduct an internal investigation into Plaintiffs’ allegations, which include complex joint employment assertions and class and collective claims.

On December 6, 2021 we asked Plaintiffs’ counsel whether he has served Defendants and if so, to provide the affidavits of service to us. At the time, we asked for 45 days to respond to the Complaint. Plaintiffs’ counsel did not respond to our email, and on December 9, 2021 we followed up with Plaintiffs’ counsel. Later on December 9, 2021, Plaintiffs’ counsel informed us that he had served the Complaint, but had just filed the affidavits of service (about a month after the complaint was allegedly served).¹ Plaintiffs’ counsel also indicated that he would only consent to a 2-week adjournment, provided that Defendants only agree to answer the complaint. Unfortunately, this is not enough time to allow us to investigate the allegations, particularly since the next two weeks coincide with both our, and Defendants’ holiday and vacation schedules. Accordingly, we ask the court to allow Defendants to answer or otherwise respond to the Complaint by January 24, 2022 (which is 46 days from today, the 45th day is a Sunday). This is Defendants’ first request for an extension of this deadline. No other deadlines would be affected by this request for an adjournment.

¹ The affidavits of service indicate that Plaintiffs served the complaints on November 9, 2021.

Respectfully submitted,

/s/ Eli Z. Freedberg

Eli Z. Freedberg
Shareholder

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